

NOTICE PUBLICATION/REGULATIONS SUBMISSION

Clear Print

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z-2016-0412-05

REGULATORY ACTION NUMBER

2016-0719-02S

EMERGENCY NUMBER

For use by Office of Administrative Law (OAL) only

2016 JUL 19 A 11:03

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Bureau of Real Estate Appraisers

AGENCY FILE NUMBER (if any)

ENDORSED - FILED

in the office of the Secretary of State
of the State of California

AUG 29 2016

3:17 p.m.

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE			
		2016 17-2		4/22/2016			

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Reciprocity		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	N/A
	AMEND	3569
	REPEAL	N/A
TITLE(S)		10

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON

Kyle Muteff

TELEPHONE NUMBER

916.341.6126

FAX NUMBER (Optional)

E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Awet Kidane, Director, Department of Consumer Affairs

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 29 2016

Office of Administrative Law

BUREAU OF REAL ESTATE APPRAISERS

ORDER OF ADOPTION

Amend Section 3569 of Article 4 of Chapter 6.5 of Title 10 of the California Code of Regulations to read as follows:

Section 3569. Reciprocity.

(a) An applicant for a reciprocal license shall hold a valid credential from a state that is in compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as determined by the Appraisal Subcommittee. The credentialing requirements of the applicant's credentialing state (as the requirements exist at the time of application for reciprocal license) must meet or exceed those of BREAA (as the requirements exist at the time of application for reciprocal credential).

~~(a) The Chief may enter into reciprocal agreements with other states that have not been found to be out of compliance with ASC if the other states' requirements conform, at a minimum, with AQB criteria for certifying or licensing real estate appraisers.~~

~~(b) Reciprocal agreements shall provide that the two states may issue licenses or certificates without additional examination to licensees or certificate holders of the other state. Upon completion of the application process and payment of the established appraiser license fee, applicants shall submit documentation of current license or certificate and a certified letter of license history or its equivalent from the other state.~~

~~(c) The Chief may terminate a reciprocal agreement if he or she determines that the other state:~~

~~(1) Is not assisting the Chief in enforcement activity for the protection of California consumers.~~

~~(2) Is not maintaining or enforcing standards, qualifications, and examinations as prescribed by the AQB.~~

~~(d) The Chief shall not issue any reciprocal license to an applicant from another state after the termination of the reciprocal agreement with that state. All licenses issued under the reciprocal agreement shall be void upon termination of the agreement. Thereafter, applicants and licensees from that state may then apply for a license in the same manner as California resident applicants.~~

~~(b)(e) Applicants for a reciprocal license Appraisers who are licensed in another state that has not been found to be out of compliance by ASC and whose licenses are in good standing who wish to apply for equivalent California licenses shall complete and submit the following:~~

(1) Application for Reciprocal License Form REA 3025 (Rev. 5/8/00) and applicable related forms REA 3002 (Rev. 3/16/10), 3003 (Rev. 3/16/10) and 3004 (Rev. 4/7/08) as required in Section 3561, and form REA 3006 (Rev. 5/8/00); and

(2) Evidence that the applicant holds a valid credential from another state A Certificate of License History or its equivalent, not more than 30 days old, which shall be forwarded directly to the Bureau from the state in which the applicant is currently licensed;

(3) Details of any complaint filed against him or her with another licensing agency that was not found to be unfounded or unsubstantiated and any action taken by that agency; and

(4) Such other information as may be requested by the Director pursuant to these regulations, ASC policies and/or a written reciprocity agreement with any other jurisdiction.

~~(f) A license issued under this section shall be valid for the period of time that the applicant holds a valid, current license in his or her issuing state or the term of license provided in Section 3524 of these Regulations or until termination of the reciprocal agreement upon which the license was issued, whichever is earlier. Issuance fees for licenses to be issued with less than a full term pursuant to this section shall be prorated to the next highest semi-annual equivalent.~~

~~(g) The holder of a license issued pursuant to this section shall immediately notify the Bureau of any change in status of the license issued by another state. Any license issued pursuant to this section shall be void and immediately surrendered to the Bureau if the license issued by another state is not active at any time, if the other state is found not to be in compliance by ASC or if the reciprocity agreement between the other state and California is terminated.~~

~~(c)(h) A reciprocal licensee shall comply with all statutes and rules governing licensed appraisers in California. Each reciprocal licensee shall immediately notify the Chief of any disciplinary action taken in any other state in which the person holds a license or certificate.~~

~~(i) Any discipline imposed by the resident state against the licensee shall also constitute a disciplinary action against the licensee's reciprocal California license unless the Chief determines that a lesser or greater penalty is appropriate pursuant to this chapter.~~

Note: Authority cited: Sections 11313, 11314, 11340 and 11350, Business and Professions Code.
Reference: Sections 11341 and 11350, Business and Professions Code.

BUREAU OF REAL ESTATE APPRAISERS
FINAL STATEMENT OF REASONS

Hearing Date: June 7, 2016

Subject Matter of Proposed Regulations: Reciprocity

Section Affected: Amend Section 3569 of Title 10 of the California Code of Regulations

Updated Information

The Initial Statement of Reasons is included in the file. There is no updated information.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

This action does not have a significant adverse economic impact on small businesses. No alternatives were proposed to the Bureau that would lessen any adverse economic impact on small business.

The benefit will be compliance with Business and Professions Code section 11350, less burdens to obtain an out of state license, and continue ASC approval for appraisers to conduct appraisals for federally related transactions.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the bureau would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Responses

There were no objections or recommendations regarding the proposed action.